

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ERIC WITHERSPOON,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 04-1424-JJF
	:	
LOIS RUSSO,	:	
Superintendent/Warden, and	:	
M. JANE BRADY,	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Eric Witherspoon, has applied for federal habeas relief challenging a March 1999 conviction for manslaughter, first degree reckless endangering, and two related weapons offenses. (D.I. 1); *see generally Witherspoon v. State*, No. 460, 1999, 2001 WL 138499 (Del. Feb. 14, 2001).

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. The respondents have been unable to obtain and copy the certified state supreme court records from Dover in order to file them by today's due date for the answer. The undersigned anticipates obtaining, having certified, and copying the records within the next two weeks and intends on filing them immediately upon receipt. The undersigned thus requests two weeks to copy, have certified and transport the records for filing with the Court in this case.

4. Respondents submit that an extension of time to and including May 6, 2005 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/Thomas E. Brown

Thomas E. Brown
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar ID# 3278

Date: April 22, 2005

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FOR THE DISTRICT OF DELAWARE**

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Petitioner,	:	
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v.	:	Civ. Act. No. 04-1424-JJF
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LOIS RUSSO,	:	
Superintendent/Warden, and	:	
M. JANE BRADY,	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

O R D E R

This _____ day of _____, 2005,

WHEREAS, respondents having requested an extension of time in which to file certified portions of the state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents shall file certified portions of the state court records on or before May 6, 2005.

United States District Judge

CERTIFICATE

I hereby certify that I have neither sought nor obtained the consent of the petitioner,
who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Thomas E. Brown
Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: April 22, 2005

CERTIFICATE OF SERVICE

The undersigned, being a member of the Bar of this Court, hereby certifies that on April 22, 2005 he caused to be electronically filed the attached document (motion for extension of time to file state court records) with the Clerk of the Court using CM/ECF. I hereby certify that on April 22, 2005 I have also caused to be mailed by first class U.S. Mail two copies of the document to the following non-registered participant, the petitioner:

Eric Witherspoon (No. 888967)
Souza Baranowski Corr. Ctr.
Post Office Box 8000
Shirley, MA 01464.

/s/ Thomas E. Brown
Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: April 22, 2005